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76661 7590 03/22/2010 DAVID A. DAGG, ESQ. 44 CHAPIN ROAD NEWTON, MA 02459				
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Continuation of 11.

Applicants' requests for reconsideration filed on February 9, 2010 have been fully considered but they are not persuasive.

Regarding the Art rejection under 35 U.S.C. § 103(a) for claim 1 as being unpatentable over Coles et al. in view of Perkins et al. and in view of Anderson, Applicant argues that "- - - the combination of Coles, Perkins and Anderson fails to disclose or suggest the claim limitation of wherein said activity code is associated with one of a plurality of time periods occurring during said received call, as in the present independent claims." (See Applicant's Remarks page 10 lines 21-23).

The Examiner respectfully disagrees with Applicant's argument for the following reasons: First, as shown in the Remarks, Applicant concedes that Coles discloses "As the conversation proceeds, - - - the time periods between keyword matches detected during the call (e.g. paragraph [0035])" (see Applicant's Remarks page 9, lines 1-4), Applicant also concedes that Perkins discloses "Perkins includes - - - a mechanism by which an agent can associate wrap-up codes with an interaction, where the wrap-up codes indicate what a call was regarding (paragraph [0025]). - - -" (see Applicant's Remarks page 9, lines 8-11) and "Perkins states - - - a very perform a very important function in a contact center by delivering information that an agent needs to service a customer at the exact moment of contact (paragraph [0037])." (see Applicant's Remarks page 9, lines 16-18), and again Applicant concedes that Anderson discloses "- - - . As

shown in Fig. 3 and Fig. 5, Anderson discloses that wrap up codes describing a completed call are displayed and entered/selected by the agent during a wrap-up phase entered in response to completion of the call (lines 32-35 in column 7, see step 506 in Fig. 5)." (see Applicant's Remarks page 9, line 23 through page 10, line 3). Therefore, the combination of Coles, Perkins and Anderson clearly disclose or suggest the claim limitation of wherein said activity code is associated with one of a plurality of time periods occurring during said received call, as in the present independent claims. Second, since the claim does not specify any definition of the words "activity code is associated with one of a plurality of time periods occurring during said received call" or limitations of what and how, to one of ordinary skill in the art, it is interpreted as the activity codes indicates what a call what regarding such as purchase/sale "activity code" that can be occurred at any time periods during the received call, complaint "activity code" that can be occurred at the beginning time periods of the received call, etc.. Third, Perkins clearly discloses the activity codes that associated with one of a plurality of time periods occurring during the received call and indicate what the received call what regarding such as purchase, complaint, billing, personal information change, general inquiry, etc. (see Perkins – paragraph [0025]), Anderson also clearly discloses the activity codes that associated with one of a plurality of time periods occurring during the received call and indicate what the received call what regarding such as "call transferred", "change of reservations" (see Anderson – column 7, lines 40-41).

Applicant also argues that "The combination of Coles, Perkins and Anderson accordingly does not support a prima facie case of obviousness under 35 U.S.C 103 with regard to independent claims 1, 13 and 25." (see Applicant's Remarks page 12, lines 3-4).

The Examiner respectfully disagrees with Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as shown in the Final Office Action dated December 10, 2009, Anderson teaches that there is a need to make the call center agents' activities significant easier is to provide the agents with information in a contact-sensitive manner (see Anderson – column 1 line 66 through column 2, line 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call and the activity code is associated with one of a plurality of time period occurring during the received call, as taught by Perkins and Anderson, into the method and system of Coles in order to enhance the agent hand-free activities at the call center. Since, Coles teaches the voice recognition/ voice commands to be used by the agents in a call

center, and thus adding the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call and the activity code is associated with one of a plurality of time period occurring during the received call is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143). One having ordinary skill in the art would have been motivated to make such a modification to allow the agents to better serve the customers, make more sales and more money, and make the call center agents' activities significant easier as per the teachings of Perkins and Anderson.

And therefore, for the reasons set forth above, the rejection of claim 1 as being unpatentable over Coles et al. in view of Perkins et al. and in view of Anderson is proper and maintainable. Independent claims 13 and 25 recite limitations that are analogous to the limitations of claim 1, and are therefore unpatentable over the cited references for at least the same reasons as claim 1.

As to the remaining claims 2-3, 6-12, 14-15, and 18-24, they each depend from claim 1 and claim 13, and are therefore unpatentable over the cited references for at least the same reasons as claim 1 and claim 13.

In addition, the Examiner would like to emphasize for the record that the claims' language is broad. In addition, the Applicants have not argued any narrower

interpretation of the claim limitations, nor amended the claims significantly enough to construe a narrower meaning to the limitations.

Since the claims breadth allows multiple interpretations and meanings, which are broader than Applicants' disclosure, the Examiner is required to interpret the claim limitations in terms of their broadest reasonable interpretations while determining patentability of the disclosed invention. See MPEP 2111.

In other words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004). Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrize Roots Enter Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill- Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir.2003).

The interpretation of the claims by their broadest reasonable interpretation reduces the possibility that, once the claims are issued, the claims are interpreted more broadly than justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). Also, limitations appearing in the specification but not recited in the

claim are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Therefore, the failure to significantly narrow definition or scope of the claims and supply arguments commensurate in scope with the claims implies the Applicants intend broad interpretation be given to the claims.

Again, the Examiner has interpreted the claims broadly and reiterates the need for the Applicants to distinctly define the claimed invention.

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